

MAR 22 2006

Practitioner's Docket No. NAIIP008/01.113.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James S. Magdych et al.

Application No.: 09/895,536

Group No.: 2142

Filed: June 29, 2001

Examiner: Ailes, B.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPROVED  
EFFICIENCY IN NETWORK ASSESSMENT UTILIZING VARIABLE TIMEOUT VALUES

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

## TIME REQUEST IS BEING MADE

2. This request is being submitted:
  - i. Prior to payment of issue fee.

03/23/2006 TL0111 00000055 501351 09095536  
01 FC:1801 790.00 DA

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

as "Express Mail Post Office to Addressee"

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## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Signature

Erica L. Farlow

(type or print name of person certifying)

Date: 3/22/2006

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)—page 1 of 3

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**ENCLOSURES**

3. Enclosed herewith is:

An amendment

**FEE FOR REQUEST (37 C.F.R. § 1.17(e)).**

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: 790.00

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	
TOTAL	25	— 34	= 0	x \$ 50.00	= \$	0.00
INDEP.	5	— 5	= 0	x \$ 200.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 360.00	= \$	0.00
TOTAL ADDIT. FEE					\$	0.00

No additional fee for claims is required.

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$790.00

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)—page 2 of 3

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Fee(s) for additional claims (Section 1.16(b)-(d))

\$0.00

Total Fee(s) Due:

\$790.00

**RECEIVED  
CENTRAL FAX CENTER****MAR 22 2006****PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

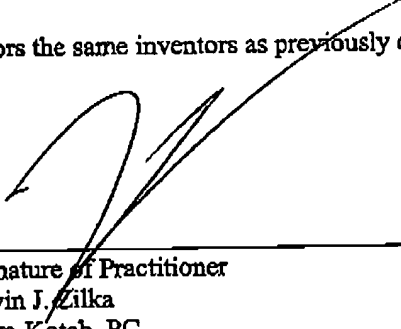
Charge Account 50-1351 (Order No. NAI1P008) the sum of \$790.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-1351 (Order No. NAI1P008).

**INVENTORSHIP**

9. This application as amended names as inventors the same inventors as previously designated for the claims.

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
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\_\_\_\_\_  
Signature of Practitioner  
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